



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

September 15, 2017

**BY ECF**

The Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Joseph Percoco, et al.*, S1 16 Cr. 776 (VEC)**

Dear Judge Caproni:

The Government respectfully writes in response to the Court's April 10, 2017 Order requiring the Government to update the Court monthly with regard to the status of discovery.

Since the Government's discovery status letter dated August 11, 2017, we have produced approximately 35,762 pages of documents, including approximately 7,320 pages of documents released by relevant counsel after initially having withheld such documents as potentially privileged. The Government does not have any additional productions pending at the present time. However, the Government will process and produce promptly additional documents it may obtain in the course of its investigation.

With regard to documents initially withheld as potentially privileged, as described in prior letters, certain documents from seven custodians were initially withheld from production. Most of those documents, including all withheld documents from five of the custodians, have now been reviewed by the custodian's respective counsel and either produced to the defendants or included on privilege logs which have been produced to the defendants. Respective counsel for two of the custodians are continuing their review of initially withheld documents. Based on conversations between each of those counsel and an Assistant United States Attorney who is walled off from the prosecution team, the Government understands that counsel for the two custodians (both of whom are third parties to this matter) are diligently working to complete their respective reviews and expect to release certain documents to the Government and/or produce privilege logs next week,

cc: Counsel for all defendants (via ECF)